

HUMAN SERVICES DEPARTMENT[441]

Adopted and Filed

Pursuant to the authority of Iowa Code section 239B.4(6), the Department of Human Services amends Chapter 41, "Granting Assistance," Iowa Administrative Code.

This amendment requires families approved for assistance under the Family Investment Program (FIP) to assign to the Department of Human Services their rights to any child support that is due during the period that the family receives FIP assistance. The family is entitled to receive any child support due for a period when the family did not receive FIP assistance. This change is required by the Federal Deficit Reduction Act of 2005 and by 2008 Iowa Acts, chapter 1019.

Previously, the family assigned to the Department rights to any child support that the family received during the period that the family received FIP assistance, even if the support was due for a past period when the family did not receive assistance. The Department kept all support received, up to the amount of the FIP assistance issued. With the implementation of this amendment, past-due support that is collected by the Department's Child Support Recovery Unit will be released to the family.

Past-due support that is released to FIP participants will be considered as income when the Department determines continuing FIP eligibility and benefits. Past-due support that is received as a one-time payment will be considered as a nonrecurring lump sum. If the lump sum plus other countable income received in the same month exceeds the standard of need amount for the household size, a period of ineligibility for FIP assistance will be imposed. If the past-due support is received on a regular, recurring basis, i.e., in regular monthly payments, it will be counted as unearned income in the month received.

Notice of Intended Action on this amendment was published in the Iowa Administrative Bulletin on May 20, 2009, as **ARC 7776B**. The Department received no comments on the Notice of Intended Action. This amendment is identical to that published under Notice of Intended Action.

This amendment does not provide for waivers in specified situations because the amendment benefits FIP participants by making past-due support collected available to them.

The Council on Human Services adopted this amendment on July 8, 2009.

This amendment is intended to implement Iowa Code section 239B.6 as amended by 2008 Iowa Acts, chapter 1019, section 1.

This amendment shall become effective on October 1, 2009.

The following amendment is adopted.

Amend subrule 41.22(7) as follows:

41.22(7) Assignment of support payments. Each applicant for or recipient of assistance shall assign to the department any rights to support from any other person that the applicant or recipient may have. ~~These~~ The assignment of support payments shall include rights to support in the applicant's or recipient's own behalf or in behalf of any other family member for whom the applicant or recipient is applying or receiving assistance ~~and which have accrued at the time the assignment is executed.~~

a. The assignment of support payments shall include rights to all support payments that accrue during the period of assistance but shall not exceed the total amount of assistance received.

b. An assignment is effective the same date all eligibility information is entered into the department's computer system and is effective for the entire period for which assistance is paid.

[Filed 7/9/09, effective 10/1/09]

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/29/09.